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Attorneys for the Warner Parties

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FOURTH AGE LTD., *et al*,

Plaintiffs,

v.

WARNER BROS. DIGITAL
DISTRIBUTION, *et al*,

Defendants.

Case No. 12-9912-AB (SHx)

**STIPULATION TO DISMISS
ENTIRE CASE WITH
PREJUDICE**

Judge: Hon. André Birotte, Jr.

WARNER BROS. DIGITAL
DISTRIBUTION INC., *et al*,

Counterclaim
Plaintiffs,

v.

FOURTH AGE LTD., *et al*,

Counterclaim
Defendants.

STIPULATION TO DISMISS
ENTIRE CASE WITH PREJUDICE
CV12-9912-AB (SHx)

1 Plaintiffs and Counterclaim Defendants Fourth Age Limited, Priscilla Mary
2 Anne Reuel Tolkien, as Trustee of the Tolkien Trust, The J.R.R. Tolkien Estate
3 Ltd., Harper Collins Publishers, Ltd., Unwin Hyman Ltd. and George Allen &
4 Unwin (Publishers), Ltd. (collectively, the “Tolkien/HC Parties”) and Defendants
5 and Counterclaim Plaintiffs Warner Bros. Home Entertainment Inc., Warner Bros.
6 Entertainment Inc., Warner Bros. Consumer Products Inc. and New Line
7 Productions, Inc. (collectively, the “Warner Parties”) and The Saul Zaentz
8 Company (“Zaentz”), by and through their respective counsel of record, hereby
9 stipulate and agree as follows:

10 WHEREAS, the Tolkien/HC Parties filed their complaint (the “Complaint”)
11 in this action on November 19, 2012;

12 WHEREAS, the Warner Parties filed their answer as well as counterclaims
13 against the Tolkien/HC Parties (the “Warner Counterclaim”) on January 18, 2013;

14 WHEREAS, Zaentz also filed its answer as well as counterclaims against the
15 Tolkien/HC Parties (the “Zaentz Counterclaim”) on January 18, 2013;

16 WHEREAS, the Warner Parties and Zaentz each amended their
17 counterclaims on March 11, 2013 (the “Warner Amended Counterclaim” and the
18 “Zaentz Amended Counterclaim,” respectively);

19 WHEREAS, the Tolkien/HC Parties filed motions to dismiss and special
20 motions to strike pursuant to California Code of Civil Procedure Section 425.16
21 (the “anti-SLAPP” motions) with respect to both the Warner Amended
22 Counterclaim and the Zaentz Amended Counterclaim;

23 WHEREAS, this Court denied the motions to dismiss and the anti-SLAPP
24 motions on July 11, 2013;

25 WHEREAS, the Tolkien/HC Parties answered the Warner Amended
26 Counterclaim and the Zaentz Amended Counterclaim on July 25, 2013;

1 WHEREAS, with the pleadings fully joined, the Parties proceeded to litigate
2 this matter with this Court's supervision;

3 WHEREAS, the Parties have amicably resolved their differences and no
4 longer wish to pursue the claims pled in the Complaint, the Warner Amended
5 Counterclaim, and the Zaentz Amended Counterclaim;

6 WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and
7 (c), the Parties jointly request that the Complaint, the Warner Amended
8 Counterclaim, and the Zaentz Amended Counterclaim be dismissed with prejudice
9 in their entirety as to all parties thereto;

10 WHEREAS, the Parties have agreed that no fees or costs are to be awarded
11 by the Court;

12 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

13 1. The Complaint, the Warner Amended Counterclaim, and the Zaentz
14 Amended Counterclaim are dismissed in their entirety with prejudice as to all
15 parties thereto; and

16 2. No Party is entitled to recover any fees or costs.
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19 Dated: June 29, 2017

Respectfully Submitted,

20 O'MELVENY & MYERS LLP

21 By: /s/ Daniel M. Petrocelli

22 Daniel M. Petrocelli
23 Attorneys for Warner Defendants
24 and Counterclaim Plaintiffs
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1 GREENBERG GLUSKER FIELDS
2 CLAMAN & MACHTINGER LLP

3 By: /s/ Bonnie Eskenazi

4 Bonnie Eskenazi
5 Attorneys for Plaintiffs and
6 Counterclaim Defendants

7 ARNOLD & PORTER KAYE
8 SCHOLER LLP

9 By: /s/ John C. Ulin

10 John C. Ulin
11 Attorneys for Zaentz Defendants and
12 Counterclaim Plaintiffs

13 Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other
14 signatories listed, and on whose behalf the filing is submitted, concur in the filing's
15 content and have authorized the filing.

16 Dated: June 29, 2017

17 O'MELVENY & MYERS LLP

18 By: /s/ Daniel M. Petrocelli

19 Daniel M. Petrocelli
20 Attorneys for Warner Defendants
21 and Counterclaim Plaintiffs